

REMARKS

Rejection of claims 1, 2, 5, 6, 8, 9, 10, 12, 13, 14, 15, and 19 under 35 U.S.C. § 103 (a) as being unpatentable over US 7263064 (Yoshimura) and in view of US 20010033560 (Tong)

Applicant respectfully traverses the rejection of claims 1, 2, 5, 6, 8, 9, 10, 12, 13, 14, 15, and 19. Reconsideration is respectfully requested.

Applicant respectfully submits that the Yoshimura or the combination of Yoshimura and Tong does not teach or suggest all the claim limitations as set forth in independent claim 1. Specifically, claim 1 recites “classifying each of the header bits in the frame,” and “classifying each of the payload bits in the frame.” Also claim 1, as amended, recites “processing the first predetermined class of bits, in the frame,” and “processing the second predetermined class of bits, in the frame.” These specific limitations are not taught or suggested in Yoshimura or the combination of Yoshimura and Tong.

Applicant respectfully disagrees with the statement in item 5, page 4, of the Office Action dated May 13, 2008 that “Yoshimura et al teach...classifying each of the header bits and payload bits in a frame into a first predetermined class of bits or into second predetermined class of bits (see Figure 3 Elements 301 and 302, Column 3 Line 63-67, Column 4 Line 1-4 65-67, Column 5 Line 1-7, Column 6 Line 27-42 i.e. a packet/frame, is classified and put into either a real time queue, which may holds packets containing information such as voice, or a data queue; since each packet must contain at least a header and a payload, when the packet is classified, the header and payload are also classified, therefore each of the header bits and payload bits is also classified).” It appears that the Office Action equates Applicant’s “classifying each of the header bits in the frame...classifying each of the payload bits in the frame” with Yoshimura’s classifying the IP packets. Yoshimura discloses that a classifying part receives IP packets from an upper layer and classifies each of the IP packets into different IP datagram queues on the basis of the QoS requirement obtained from IP header information of the packet. See col. 6, lines 32-35. Thus, it is clear that the whole IP packet/data-unit is classified based on the header information in the corresponding packet/data-unit, and routed either to a data queue or to a real-

time queue. Also, Yoshimura discloses that the IP queue 302 includes a plurality of IP datagram queues, and stores the packets received from the classifying part. See col. 6, lines 36-38 of Yoshimura. Thus, the IP queue is storing the entire IP packet classified by the classifying unit, and not storing each bit of the packet. In contrast, Applicant's claim recites "classifying each of the header bits in the frame into a first predetermined class of bits and into a second predetermined class of bits," and "classifying each of the payload bits in the frame into the first predetermined class of bits and into the second predetermined class of bits."

Also, Applicant respectfully disagrees with the statement in item 5, page 5, of the Office Action that "Tong et al from the same field of endeavor teach that the method...comprising: classifying each of the header bits and the payload bits in the frame into a first predetermined class of bits and into a second predetermined class of bits (see FIG. 3 and 7, [0045] [0052-0053] [0057-0058] [0071]...namely each packet.frame/subframe must contain at least a header and a payload, when the subframe is classified into either a real time or data class, the header and a payload are also classified." Office Action appears to state that, in Tong, each subframe contains at least a header and a payload." However, Applicant disagrees with this statement. In FIG. 7, Tong discloses that the subframes contain only header information, or only voice and/or data information. For example, in FIG. 7 of Tong, the sub-frame 2 is only a voice subframe with no header information. Similarly, the sub-frame 1 is merely a header subframe with no data or voice information. Thus, it is clear that the bits in the subframe are not classified but, the whole subframe is classified as a header subframe, a voice subframe, or a data subframe. In contrast, Applicant's claim recites "classifying each of the header bits in the frame into a first predetermined class of bits and into a second predetermined class of bits; classifying each of the payload bits in the packet into the first predetermined class of bits and into the second predetermined class of bits."

Additionally, in Yoshimura, the data link control part 303 includes dividing parts 304 and retransmission control part 305. The dividing part 304 divides each of the packets to be transmitted into a plurality of predetermined data units. The dividing part 304 then writes specification of the dividing process such as the number to divide into, a flag indicating from or tail of the packet, or information about the packet length, into the header of each data unit. See

col. 6, lines 48-51 of Yoshimura. However, in Yoshimura, the dividing process is same for all the data units in the packet, and is not processed in accordance with a first predetermined mechanism and a second predetermined mechanism. Further, Tong discloses that the encoder encodes all received voice and data communications using turbo-coding operations. See page 7, para. [0084], lines 2-4 of Tong. Also, Tong discloses that a rate-matching operator receives the encoded bit stream from the encoder and performs repeating and/or puncturing operations to cause its output to be rate matched. See para. [0084], lines 6-9 of Tong. Thus, it is clear that the voice and data communications are encoding using a single mechanism in the encoder, and not encoded using two different mechanisms. In contrast, Applicant's claim recites "processing the first predetermined class of bits, in the frame, in accordance with a first predetermined mechanism; and processing the second predetermined class of bits, in the frame, in accordance with a second predetermined mechanism."

For the above reasons, Applicant submits that claim 1 is not obvious in view of the combination of Yoshimura and Tong, and therefore that the rejection of claim 1 under 35 USC 103(a) should be withdrawn. Applicant requests that claim 1 now be passed to allowance.

Regarding independent claims 8, 12, and 15, Applicant respectfully submits that the above discussed arguments apply equally to the limitations of claims 8, 12, and 15. Applicant therefore respectfully requests withdrawal of the rejection of claims 8, 12, and 15 under 35 U.S.C 103.

Dependent claims 2, 5, 6, 9, 10, 13, 14, and 19 depend from, and include all the limitations of independent claims 1, 8, 12, and 15. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2, 5, 6, 9, 10, 13, 14, and 19 and requests withdrawal of the rejection.

Rejection of claims 3, 4, 16, and 17 under 35 U.S.C. § 103 (a) as being unpatentable over US 7263064 (Yoshimura) and in view of US 7263064 (Tong) and further in view of US 6598034 (Kloth)

Dependent claims 3, 4, 16, and 17 depend from, and include all the limitations of independent claims 1 and 15. Therefore, Applicant respectfully requests reconsideration of dependent claims 3, 4, 16, and 17 and requests the withdrawal of the rejection of these claims. Applicant requests that claims 3, 4, 16, and 17 now be passed to allowance.

Rejection of claims 7, 11, and 18 under 35 U.S.C. § 103 (a) as being unpatentable over US 7263064 (Yoshimura) and in view of US 7263064 (Tong) and further in view of US 5228028 (Cucchi)

Dependent claims 7, 11, and 18 depend from, and include all the limitations of independent claims 1, 8, and 15. Therefore, Applicant respectfully requests reconsideration of dependent claims 7, 11, and 18 and requests the withdrawal of the rejection of these claims. Applicant requests that claims 7, 11, and 18 now be passed to allowance.

Conclusion

Applicant has reviewed the other references of record and believes that Applicant's claimed invention is patentably distinct and nonobvious over each reference taken alone or in combination. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's attorney at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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